

A special meeting of the Royal Oak City Commission was held on Monday, May 9, 2016, in room 309 of city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 6:04 p.m. Present were Mayor Ellison, Mayor Pro Tem Fournier, Commissioner Douglas, Commissioner DuBuc, Commissioner Mahrle, Commissioner Paruch and Commissioner Poulton. Also present were City Manager Johnson, Interim City Attorney Liss, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Mahrle  
Seconded by Mayor Pro Tem Fournier

BE IT RESOLVED that the city commission hereby adjourns to closed session for purposes of attorney/client privilege and pending litigation.

#### ROLL CALL VOTE

AYES: Mayor Pro Tem Fournier, Commissioner Paruch, Commissioner Poulton, Commissioner Douglas, Commissioner Mahrle, Commissioner DuBuc and Mayor Ellison

NAYS: None

MOTION ADOPTED

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A regular meeting of the Royal Oak City Commission was held on Monday, May 9, 2016, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:33 p.m.

Mayor Pro Tem Fournier gave the Invocation. Everyone present gave the pledge of allegiance.

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Mayor Pro Tem	Fournier	
Commissioners	Douglas	
	DuBuc	
	Mahrle	
	Paruch	
	Poulton	

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#### **PROCLAMATIONS DESIGNATING NURSES' WEEK**

Ms. Maureen Bauman was presented with a proclamation designating May 6-12, 2016 as Nurses' Week.

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#### **POLICE DEPARTMENT AWARDS**

Police Chief/Assistant City Manager O'Donohue presented the following awards:

Officer of the Year	Officer Brian Kucel
Civilian Employee of the Year	PSA Teri Murray
<u>Bravery Award</u>	
For an incident on January 8, 2015	Officer Robert Spellman

Lifesaving Awards

For an incident on January 3, 2015  
For an incident on January 13, 2015  
For an incident on June 5, 2015

Officer Kyle Adair, Officer David Ratliff, Officer Jason Manning  
Officer Andrew Rougeau  
Officer Anthony Gagliardi, Officer Zachary Nottle, Officer Gerald  
Karr, Officer Mark Apley

For an incident August 22, 2015  
For an incident on August 23, 2015

Officer Christopher Platt, Officer Kyle Knauss  
Sergeant David Budzynowski, Officer Brian Kucel, Officer Eric  
Cherry, Officer Joshua Yancho

For an incident on October 17, 2015  
Distinguished Service

Officer Jason Manning  
Officer Kevin Cavanagh, Officer Jamie Hill

Meritorious Service

For an incident on July 20, 2015  
For an incident on October 26, 2015

Sergeant Patrick Stanton  
Sergeant Patrick Stanton, Sergeant Donald Swiatkowski

Unit Citation

Work efforts on two homicide cases

Lieutenant David Clemens, Sergeant Donald Swiatkowski,  
Detective David Szlezynghier, Detective Carl Barretto, Detective  
Donald van Ochten, Detective Timothy Wood, Detective Matthew  
Murray, Detective Karly Wingart, Detective Richard Millard,  
Pietro Pizzorni

Certificate of Commendation

For an incident on May 11, 2015

Sergeant David Budzynowski, Officer Andrew Izydorek, Officer  
Kevin Isaacson, Madison Heights Officer Robert Backlund  
Officer Matthew Bobek, Officer Brian Black, Officer Keith  
Bierenga, Berkley Officer Kurt Corradi, Berkley Officer Jeff  
Onesko, Berkley Officer Greg Betts

For an incident on July 20, 2015

Officer Dominic Catanese, Officer David Ratliff, Officer Ryan  
Addis, Officer Christopher Platt, Officer John Tobin, Officer  
Jimmy Elrod, Officer Marc Cuddeback, PSA Joseph Ivy, PSA  
Kelly Hadin

Letter of Recognition

For an incident on May 29, 2015

Sergeant David Budzynowski, Officer Andrew Izydorek, Officer  
Joseph Yerke, Officer Jimmy Elrod, Officer Andre Stienke,  
Officer Joshua Yancho  
Officer Timothy Storye

Customer Service Award

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**PUBLIC COMMENT**

Mr. Mark Dingman, 1415 N. Lafayette, sought a solution to paving North Lafayette. He displayed diagrams explaining street width. Seven of eleven residents have signed a new petition.

Mr. Ron Wolfe, 333 N Troy, was trying to organize a "senior discount Tuesday". His suggestion was for a 20% discount until 6:00 p.m. Emagine Theater agreed to a senior discount. He recommended basing the park on Washington Square Park in New York.

Mr. Larry Pappas, 1000 S. Main, stated that the lines in the parking lot were only for Arts, Beats and Eats. They can't put cars in the other area because the tow trucks go in and out. The 20 ft. driveway is not large enough for the trucks to maneuver with cars.

Ms. Jennifer Becker, 720 E. Third, thanked the commission for requiring fences around construction sites. She hoped it would keep things cleaner. Could they revisit the idea of containing the debris at the construction sites?

Mr. Victor Reid, 133 Curry, didn't see how they could install a sidewalk at the property he owns in the industrial area. Installing a sidewalk would place a burden on him. He hoped the commission would look at the property and come up with a solution.

Ms. Marika Aubry, 518 Woodlawn, represented residents of Woodlawn, Midland and Rochester who wanted to know the status of the St. John's development. Has it come for approval? Mayor Ellison suggested they contact the planning department.

Ms. Sue Fabian, 316 Midland, expressed her opposition to the St. John's development. She cited portions of the master plan that referred to maintaining neighborhoods.

Mr. Randy Booden, 919 Main St., appreciated that the engineering department was beginning to work with them. The proposed bump out would take away one of their parking spaces. He hoped they would go with option 1 but would prefer planters instead of trees.

Ms. Shelia Barr, 4264 Samoset, was upset that Rizzo would not empty her garbage can because it was 45 gallons and the limit was 32 gallons. She requested that they look at allowing larger garbage cans rather than larger recycling bins.

Mr. Mark Schuster, 4143 W. Webster, spoke in support of River Rouge's request for outdoor seating. He also requested better communication regarding the routing for runs through the neighborhoods.

Mr. Bob Dozier, 717 W. Houstonia, spoke in favor of the River Rouge patio expansion. They were a nice fit for the neighborhood.

Mr. Richard Stanley, 1084 Country Club, supported River Rouge's request.

Commissioner Poulton announced that the Memorial Society would be cleaning veterans' graves this Saturday at 10:00 a.m. Bring tools if you have them. Applications for the parade are due this weekend. For more information call 248-543-8420 or go to [www.royaloakmemorialday.com](http://www.royaloakmemorialday.com).

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#### **APPROVAL OF AGENDA**

Item 20 Special Event Wayfinding was added to the agenda. Item 9E was pulled from the consent agenda.

Moved by Commissioner Mahrle  
Seconded by Commissioner Paruch

BE IT RESOLVED that the city commission hereby approves the agenda for the May 9, 2016 meeting as amended.

ADOPTED UNANIMOUSLY

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#### **CONSENT AGENDA**

Moved by Commissioner Poulton  
Seconded by Commissioner Paruch

BE IT RESOLVED that the city commission hereby approves the consent agenda as follows:

- A. BE IT RESOLVED that the city commission minutes of April 18 and 25, 2016 are hereby approved.

- B. BE IT RESOLVED that the claims of April 29 and May 10, 2016 audited by the department of finance are hereby approved.
- C. Be it resolved, the city commission declares the above property surplus and authorizes the disposal of those items.
- D. Be it resolved, the commission authorizes the mayor and city clerk to execute the construction funding agreement with the Michigan Department of Transportation for the federally funded S. Main Street resurfacing project, and directs staff to issue a purchase order in the amount of the bid price.
- F. Be it resolved, the city commission authorizes the filling of one municipal clerk III position.
- G. Be it resolved, the city commission hereby approves the service agreement with Health Decisions, Inc. for a dependent eligibility audit and purchase order in the amount of \$15,000, and

Be it further resolved, the mayor and city clerk are authorized to execute the agreement on behalf of the city.

ADOPTED UNANIMOUSLY

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**CHANGE OF LOCATION  
PRECINCTS 7 AND 24**

Moved by Commissioner Mahrle  
Seconded by Commissioner Douglas

Be it resolved, the city commission approves relocating Precincts 7 and 24 from Oakland Technical Center to Woodside Bible Church; and

Be it further resolved, the city commission authorizes the city clerk to send out new voter identification cards notifying voters of the new precinct location change.

ADOPTED UNANIMOUSLY

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**RIVER ROUGE BREWING COMPANY, L.L.C.  
REQUEST TO AMEND PLAN OF OPERATION**

Moved by Mayor Pro Tem Fournier  
Seconded by Commissioner DuBuc

Be it resolved, the City of Royal Oak approves the request of River Rouge Brewing Company, LLC, to add outdoor seating for up to 18 patrons as proposed in the attached Plan of Operation.

FRIENDLY AMENDMENT TO REMOVE REFERENCE TO 18 PATRONS

MOTION NOW READS:

Be it resolved, the City of Royal Oak approves the request of River Rouge Brewing Company, LLC, to add outdoor seating as proposed in the attached Plan of Operation.

ADOPTED UNANIMOUSLY

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**SCHEDULE TOWN HALL MEETING  
ROYAL OAK CITY CENTER DEVELOPMENT PROJECT**

Moved by Commissioner Mahrle  
Seconded by Commissioner DuBuc

Be it resolved, the city commission authorizes the administration to organize a "town hall" meeting at Royal Oak Middle School Auditorium on May 24, 2016 at 6:00 p.m. to present the Royal Oak City Center development proposal and to provide an opportunity for the public to ask questions about the proposal.

ADOPTED UNANIMOUSLY

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**AMEND OTHER POST-EMPLOYMENT BENEFITS (OPEB)  
PENSION BOND RESOLUTION**

Moved by Commissioner Paruch  
Seconded by Commissioner Poulton

WHEREAS, the City Commission of the City of Royal Oak adopted a resolution on September 21, 2015, providing for, among other things, the publication of a Notice of Intent to issue bonds (the "Bonds") to pay a portion of the city's unfunded pension and health care costs (the "Intent Resolution") and the appointment of bond counsel; and

WHEREAS, the City Commission has determined to engage a different bond counsel firm (viz., Dickinson Wright PLLC) from that named in the Intent Resolution, and by this resolution amends the Intent Resolution to implement that change without otherwise affecting the action taken in the Intent Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ROYAL OAK, MICHIGAN, as follows:

1. Retention of Bond Counsel. The firm of Dickinson Wright PLLC is hereby retained to act as bond counsel for the city in connection with the issuance, sale and delivery of the Bonds.
2. Conflicting Resolutions. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.
3. Effective Date. This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the city as soon as practicable after adoption.

ADOPTED UNANIMOUSLY

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**THIRD AMENDMENT TO FISCAL YEAR 2015-16 BUDGET**

Moved by Commissioner Douglas  
Seconded by Commissioner Poulton

Be it resolved, the city commission hereby approves the fiscal year 2015-16 amended budgets for the following funds:

<b>General Fund</b>		
	General Government	10,657,470
	Community and Economic Development	616,780
	Health and Welfare	0
	Public Safety	709,820
	Public Works	1,418,010
	Recreation and Culture	1,414,050
	Transfers Out	19,983,150
	<b>Expenditures Total</b>	<b>34,799,280</b>
	Taxes	17,899,500
	Licenses and Permits	1,984,100
	Grants	5,181,550
	Charges for Services	2,353,900
	Fines and Forfeitures	4,935,000
	Interest and Rentals	343,000
	Contributions and Donations	0
	Reimbursements	432,640
	Other Revenues	55,000
	Transfers In	800,000
	Use of Fund Balance	814,590
	<b>Revenues, Transfers and Use of Fund Balance</b>	<b>34,799,280</b>
<b>major streets fund</b>		
	expenditures total	3,942,610
	revenues, transfers and use of fund balance	3,942,610
<b>public safety fund</b>		
	expenditures total	30,678,250
	revenues, transfers and use of fund balance	30,678,250
<b>solid waste fund</b>		
	expenditures total	6,631,790
	revenues, transfers and use of fund balance	6,631,790
<b>state construction code fund</b>		
	expenditures total	2,865,000
	revenues, transfers and use of fund balance	2,865,000
<b>senior center fund</b>		
	expenditures total	826,850
	revenues, transfers and use of fund balance	826,850

ADOPTED UNANIMOUSLY

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### SOCRRA CONTRACT

No action needed.

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**BUILDING DEPARTMENT SERVICES CONTRACT CANCELLATION**

Moved by Commissioner DuBuc  
Seconded by Commissioner Poulton

Be it resolved, that the city commission requests a report on the number of construction sites and violations issued.

**MOTION WITHDRAWN**

Moved by Commissioner Mahrle  
Seconded by Commissioner Paruch

Be it resolved, the Royal Oak City Commission directs the city attorney's office to provide ninety (90) days notice to both the Village of Beverly Hills and Southfield Township of the city's intent to cancel the contract for building department services.

ADOPTED UNANIMOUSLY

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**SOLID WASTE AND RECYCLING MILLAGE RENEWAL  
BALLOT LANGUAGE**

Moved by Commissioner Paruch  
Seconded by Commissioner DuBuc

Be it resolved, by the Royal Oak City Commission as follows:

1. The City Commission, by a vote of at least three-fifths (five of seven) of its members, pursuant to the authority granted by Act 279 of the Public acts of 1909, as amended, proposes that Chapter 8, Section 11(b) of the Royal Oak City Charter shall be amended to read as follows:

In addition to the amount set forth in Subsection (a) above, the city may, for the sole purpose of defraying the general expenses and liabilities of the city for refuse collection, disposal and for a curbside recycling program, raise by a general tax upon the assessed value of all real estate and personal property in the city a millage for a period not to exceed five (5) years of up to 1.00 mills, said tax to be assessed and spread beginning the first day of July, 2017, pursuant to the provisions of Chapter Eleven of this Charter.

2. The City Clerk shall immediately send a copy of the proposed amendment to the attorney general for review and the governor of the State of Michigan for approval, as required by law.

3. The proposed charter amendment is ordered to be submitted to the qualified electors of this city at a special election to be held in the city of Royal Oak, the 2nd day of August 2016. The City Clerk is directed to give notice of the special election, notice of registration, to do all things and to provide all supplies necessary to submit such charter amendment to the vote of the electors in the manner prescribed by and as required by law.

4. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSAL A**

**PROPOSED AMENDMENT TO CHAPTER 8, SECTION 11(B) OF THE ROYAL OAK CITY CHARTER TO ALLOW FOR A RENEWAL REFUSE COLLECTION, DISPOSAL AND CURBSIDE RECYCLING MILLAGE.**

The proposed amendment to the Royal Oak charter, if approved, would allow the city to renew a millage levy for a period not to exceed five years (5), up to 1.00 mill, to defray the costs of refuse collection, disposal and curbside recycling.

Shall the proposal be adopted?

YES        [   ]  
NO         [   ]

5.        The proposed amendment shall be published in full together with the existing charter provision altered or abrogated as part of the notice of election in the official newspaper of the city.

6.        The canvas and determination of the votes concerning this question shall be made in accordance with the laws of the State of Michigan and the charter of Royal Oak.

ROLL CALL VOTE:

AYES: Commissioners Paruch, Douglas, DuBuc, Mayor Ellison, Mayor Pro Tem Fournier,  
Commissioners Poulton and Mahrle

NAYS: None

ADOPTED UNANIMOUSLY

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**PROPOSED SETTLEMENT AGREEMENT  
DISPUTED WATER BILL AT 31253 WOODWARD AVE**

Moved by Commissioner Poulton  
Seconded by Commissioner Douglas

Be it resolved, the proposed settlement between the City of Royal Oak and Timothy Derda and Barbara Derda, concerning water use and billing at 31253 Woodward Avenue, Royal Oak, Michigan is approved.

ADOPTED UNANIMOUSLY

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**SOUTH MAIN STREET STREETScape**

Moved by Commissioner Douglas  
Seconded by Mayor Pro Tem Fournier

Be it resolved, that the city commission approves option 3 for the streetscape design at 1224 S. Main.

ADOPTED UNANIMOUSLY

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Moved by Commissioner Douglas  
Seconded by Commissioner Poulton

Be it resolved, the city commission hereby approves option 1 for the streetscape design at 1000 S. Main.

ADOPTED UNANIMOUSLY

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Moved by Commissioner Douglas  
Seconded by Commissioner Paruch

Be it resolved the city commission hereby approves option 1 for the streetscape design at 919/925 S. Main; and

Be it further resolved that the trees be planted as proposed by staff.

ADOPTED UNANIMOUSLY

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Moved by Commissioner DuBuc  
Seconded by Commissioner Mahrle

Be it resolved the city commission directs staff to speak with the DDA regarding funding for the South Main Street streetscape special assessment.

#### FRIENDLY AMENDMENT OFFERED TO INCLUDE DISCUSSION OF THE TIMEFRAME FOR SPECIAL ASSESSMENTS

#### MOTION NOW READS

Be it resolved the city commission directs staff to speak with the DDA regarding funding for the South Main Street streetscape special assessment; and

Be it further resolved that the timeframe for repayment of special assessments also be discussed.

ADOPTED UNANIMOUSLY

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#### **SIDEWALK CAFÉS LILY'S SEAFOOD, 410 S. WASHINGTON CAFÉ MUSE, 418 S. WASHINGTON**

Moved by Commissioner Mahrle  
Seconded by Commissioner Paruch

Be it resolved, the city commission hereby authorizes the city attorney to prepare license agreements for Lily's Seafood at 410 South Washington Avenue and Café Muse at 416-418 South Washington Avenue permitting an encroachment into the public right-of-way of South Washington Avenue for purposes of outdoor seating areas; and

Be it further resolved, the mayor and city clerk are authorized to execute said license agreements when prepared.

ADOPTED UNANIMOUSLY

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Moved by Commissioner DuBuc  
Seconded by Commissioner Paruch

Be it resolved, the city commission approves the proposed changes to the plan of operation for Lily's Seafood, 410 S. Washington.

ADOPTED UNANIMOUSLY

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### **SPECIAL EVENT WAYFINDING**

Commissioner DuBuc suggested they mark traffic detours that result from special events.

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Upon motion of Commissioner Mahrle, seconded by Commissioner DuBuc, and adopted unanimously, the regular meeting was adjourned at 10:09 p.m.

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Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on May 9, 2016, having been officially approved by the city commission on Monday, May 23, 2016, are hereby signed this twenty-third day of May 2016.

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James B. Ellison, Mayor